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Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization

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Note

Symbols of United Nations documents are composed of letters combined with figures. Mention of such a symbol indicates a reference to a United Nations document.

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Chapter I
Introduction

1. The Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization was convened in accordance with General Assembly resolution 68/115 and met at United Nations Headquarters from 18 to 26 February 2014.

2. In accordance with paragraph 5 of General Assembly resolution 50/52, the Special Committee was open to all States Members of the United Nations.

3. The Special Committee held four meetings: the 272nd, on 18 February, the 273rd, on 19 February, the 274th on 24 February and the 275th on 26 February. The Working Group of the Whole, established at the 272nd meeting, held four meetings, on 19, 20, 24 and 26 February.

4. The session was opened by Jean-Francis Zinsou (Benin), in his capacity as Chair of the previous session of the Special Committee.

5. At its 272nd meeting, on 18 February, the Special Committee, bearing in mind the terms of the agreement regarding the election of officers reached at its session in 1981,[1] elected the following members of its Bureau:

Chair:
Marcel Van Den Bogaard (Netherlands)

Vice-Chair:
Oleksandr Pavlichenko (Ukraine)
Patricio Troya (Ecuador)

Rapporteur:
Thembile Joyini (South Africa)

6. At its 274th meeting, on 24 February, the Special Committee elected the following member of the Bureau:

Vice-Chair:
Ary Aprianto (Indonesia)

7. The Bureau of the Special Committee also served as the Bureau of the Working Group of the Whole.

8. The Director of the Codification Division of the Office of Legal Affairs, George Korontzis, acted as Secretary of the Special Committee and Secretary of the Working Group of the Whole. The Division provided substantive services for the Special Committee and the Working Group of the Whole.

9. At its 272nd meeting, the Special Committee adopted the following agenda:

1. Opening of the session.
2. Election of officers.
3. Adoption of the agenda.
4. Organization of work.

[1] A/36/33, para. 7.

5. Consideration of the questions referred to in General Assembly resolution 68/115 of 16 December 2013, in accordance with the mandate of the Special Committee as set out in that resolution.

6. Adoption of the report.

10. General statements touching on all or several items were made at the 272nd and 273rd meetings. The substance of those general statements is reflected in the relevant sections of the present report.

11. With regard to the question of the maintenance of international peace and security, the Special Committee had before it all the related reports of the Secretary-General,[2] including the most recent report, entitled "Implementation of the provisions of the Charter of the United Nations related to assistance to third States affected by the application of sanctions",[3] and the 1998 report on the matter containing a summary of the deliberations and main findings of the ad hoc expert group meeting convened pursuant to paragraph 4 of General Assembly resolution 52/162.[4]

12. With regard to the question of the maintenance of international peace and security, the Special Committee also had before it a revised proposal submitted at the 1998 session by Libya with a view to strengthening the role of the United Nations in the maintenance of international peace and security;[5] a working paper[6] submitted by the Bolivarian Republic of Venezuela during the 2011 session, containing a further revised version of the proposal submitted by the same delegation at the 2010 session, entitled "Open-ended working group to study the proper implementation of the Charter of the United Nations with respect to the functional relationship of its organs";[7] a revised working paper submitted by Belarus and the Russian Federation at the 2005 session containing a revised version of a draft General Assembly resolution;[8] and a working paper submitted by Cuba on the strengthening of the role of the Organization and enhancing its effectiveness: adoption of recommendations.[9]

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[2] A/48/573-S/26705, A/49/356, A/50/60-S/1995/1, A/50/361, A/50/423, A/51/317, A/52/308, A/53/312, A/54/383 and Add.1, A/55/295 and Add.1, A/56/303, A/57/165 and Add.1, A/58/346, A/59/334, A/60/320, A/61/304, A/62/206 and Corr.1, A/63/224, A/64/225, A/65/217, A/66/213 and A/67/190.

[3] A/68/226.

[4] A/53/312.

[5] See A/53/33, para. 98.

[6] A/AC.182/L.130, as further revised by the sponsor delegation. See A/66/33, annex.

[7] See A/65/33, annex.

[8] See A/60/33, para. 56. At the 1999 session of the Special Committee, Belarus and the Russian Federation submitted a working paper containing a draft General Assembly resolution (A/AC.182/L.104) in which it was recommended that an advisory opinion be requested from the International Court of Justice as to the legal consequences of the resort to the use of force by States without prior authorization by the Security Council, except in the exercise of the right to self-defence. At the same session, following discussions, the sponsors submitted a revised version of the draft resolution for future consideration (A/AC.182/L.104/Rev.1; see A/54/33, paras. 89-101). A further revised version was submitted at the 2001 session (A/AC.182/L.104/Rev.2; see A/56/33, para. 178).

[9] See A/67/33, annex.

13. With regard to the question of the peaceful settlement of disputes, the Special Committee had before it two proposals by the Russian Federation, to recommend that the Secretariat be requested to establish a website dedicated to the peaceful settlement of disputes between States, and to update the *Handbook on the Peaceful Settlement of Disputes between States*,[10] respectively.[11]

14. At its 275th meeting, on 26 February, the Special Committee adopted its report on its 2014 session.

[10] United Nations publication, Sales No. E.92.V.7.

[11] See Chapter III, below.

Chapter II
Maintenance of international peace and security

A. Implementation of the provisions of the Charter relating to assistance to third States affected by the application of sanctions

15. The Special Committee considered the question of the implementation of the provisions of the Charter of the United Nations relating to assistance to third States affected by the application of sanctions during the general exchange of views held at its 272nd and 273rd meetings, on 18 and 19 February 2014, and at the 1st meeting of the Working Group of the Whole.

16. At its 1st meeting, the Working Group of the Whole was briefed by representatives of the Department of Political Affairs and the Department of Economic and Social Affairs of the Secretariat on developments relating to paragraph 12 of the report of the Secretary-General on the question (A/68/226), as requested by the General Assembly in paragraph 15 of resolution 68/115. The statements were circulated.

17. During the general exchange of views on the issue, many delegations stated that the issue of sanctions imposed by the Security Council continued to be of concern. They stressed that sanctions were blunt instruments the use of which raised fundamental ethical questions as to whether suffering inflicted on vulnerable groups in the target country was a legitimate method to effectuate changes in action, and should not be used to punish the population of the target country. They also maintained that sanctions were not applicable as a response to all violations of international obligations. A reference was also made to the document entitled "Introduction and implementation of sanctions imposed by the United Nations".[12]

18. The concern was reaffirmed over the imposition of unilateral sanctions in violation of international law. It was stated that, in practice, unilateral sanctions were often imposed as a result of the extraterritorial application of domestic regulations and that sanctions imposed in such a way infringed upon the rights of affected States, in addition to the individual rights of affected persons.

19. Several delegations emphasized that sanctions should be introduced and applied in conformity with the provisions of the Charter and with international law. It was reiterated that sanctions should be imposed only as a last resort when there existed a threat to international peace and security, a breach of the peace or an act of aggression. It was asserted that the Security Council should not act with double standards, selectivity or arbitrary methods. It was asserted that the power of the Security Council to implement sanctions should not exceed its own authority, both in terms of its competence under the Charter or under general international law.

20. Several delegations expressed the view that the objectives of sanctions regimes and their goals for a target country should be clearly defined, based on tenable legal grounds, and that they should be imposed for a clear time frame. The view was expressed that any imposition of sanctions must be based on a substantive assessment of the country concerned, with compelling evidence that the country was not respecting international resolutions. It was also noted that sanctions regimes

[12] General Assembly resolution 64/115, annex.

should be held under continuous review and that they should be lifted as soon as the objective for their imposition had been achieved.

21. Support was expressed for examining the question of the provision of possible payment of compensation to targeted and/or third States for damage caused by sanctions found to have been unlawfully imposed. It was reiterated that the International Law Commission should give consideration, in the context of its prior work on the responsibility of international organizations, to the legal consequences of sanctions arbitrarily imposed against Member States by the Security Council.

22. Several delegations reaffirmed that sanctions, applied in accordance with the Charter and in a targeted fashion, which the Security Council had shifted to, were an important instrument for the maintenance and restoration of international peace and security, and that the possibility of adverse consequences for civilian populations and third parties had been reduced. This was welcomed as a positive development.

23. Other delegations noted that targeted sanctions might still have unintended effects on civilian populations and on third States. The view was expressed that the Security Council possessed a proactive obligation to find solutions to the problem of third States affected by the application of sanctions. The possibility of the establishment of a mechanism for evaluating such effects and for assisting affected States was reaffirmed. The view was expressed that individuals who were affected by targeted sanctions had the right to be heard and to be represented.

24. Several delegations noted that none of the sanctions committees had been approached by Member States since 2003 with regard to special economic problems arising from the implementation of sanctions, as confirmed in the above-mentioned report of the Secretary-General. They also noted that neither the General Assembly nor the Economic and Social Council had found it necessary in 2013 to take any action relating to that matter. On those grounds, some delegations expressed the view that the question of assistance to third States affected by the application of sanctions should not be a matter of priority for the Special Committee and did not merit further discussion. The view was expressed that, in accordance with paragraph 3 (b) of General Assembly resolution 68/115, in which the Assembly had requested the Special Committee to consider the frequency of the consideration of this item, a compromise could be reached by deciding to examine the item on a triennial basis.

25. In the view of other delegations, the issue of assistance to third States affected by the application of sanctions, and proposals submitted on that matter, should continue to be considered by the Special Committee. Some delegations stated that the fact that no State had required assistance in the matter should not lead to a general assumption that there were no difficulties. The view was expressed that that was an area of trial and error; the lack of requests for assistance was due to the ineffective use of relevant mechanisms, so States did not see the value in utilizing the procedures set out in Article 50 of the Charter of the United Nations at this time. A number of delegations stated that the appropriate bodies of the Secretariat had the relevant authority, in accordance with General Assembly resolutions on the activities of the Special Committee, to undertake research and provide the Committee with further analysis of the current effects on third States of the application of sanctions in the next report of the Secretary-General on this topic, even appreciating their targeted nature. The representative of the Department of Economic and Social Affairs indicated that, in the absence of a request from either a Member State or the Special Committee to evaluate the effect of the application of sanctions on third States, the

absence of the appropriate mandate meant that no country-specific examination could be carried out. The representative of the Department of Political Affairs indicated that the primary means of communication for Member States on questions of sanctions remained the relevant sanctions committees.

B. Revised proposal submitted by Libya with a view to strengthening the role of the United Nations in the maintenance of international peace and security

26. The revised proposal submitted by Libya with a view to strengthening the role of the United Nations in the maintenance of international peace and security (see A/53/33, para. 98) was referred to in general terms during the exchange of views held at the 272nd and 273rd meetings of the Special Committee, on 18 and 19 February 2014, and was considered at the 1st meeting of the Working Group of the Whole.

27. In the Working Group of the Whole, the sponsor delegation provided a brief recapitulation of its revised proposal and indicated its willingness to engage in a discussion on it.

C. Consideration of the further revised working paper submitted by the Bolivarian Republic of Venezuela entitled "Open-ended working group to study the proper implementation of the Charter of the United Nations with respect to the functional relationship of its organs"

28. The further revised working paper entitled "Open-ended working group to study the proper implementation of the Charter of the United Nations with respect to the functional relationship of its organs" (see A/66/33, annex), submitted by the Bolivarian Republic of Venezuela at the 2011 session of the Special Committee, was referred to during the general exchange of views held at its 272nd and 273rd meetings, on 18 and 19 February 2014, and was considered at the 2nd meeting of the Working Group of the Whole.

29. In their general comments, several delegations reiterated their concern that the Security Council had encroached on the functions and powers of the General Assembly and those of the Economic and Social Council by addressing issues that fell within the competence of the latter organs. Reference was again made to paragraph 153 of the 2005 World Summit outcome document (General Assembly resolution 60/1) and to paragraph 35 of the Declaration of the high-level meeting of the General Assembly on the rule of law at the national and international levels (General Assembly resolution 67/1), held on 24 September 2012, which stressed the importance of continuing efforts to reform the Security Council. It was reiterated that the reform of the Organization should be carried out in accordance with the principles and procedures established by the Charter.

30. Some delegations expressed support for the proposal and maintained that the Special Committee was the proper forum in which to consider it.

31. The view was reiterated that the responsibilities of the principal organs of the United Nations were adequately defined in the Charter and that the proposal was duplicative of other efforts aimed at revitalizing the Organization.

32. The sponsor delegation announced that it would continue to hold bilateral discussions on the proposal, with the hope of presenting a more concrete proposal at the next session of the Special Committee, and indicated that the working paper should be retained in the work programme of the Special Committee.

D. Consideration of the revised working paper submitted by Belarus and the Russian Federation

33. During the general exchange of views at the 272nd meeting of the Special Committee, on 18 February 2014, and at the 1st meeting of the Working Group of the Whole, the Special Committee considered the revised working paper submitted by Belarus and the Russian Federation at the 2005 session of the Special Committee (see A/60/33, para. 56), in which it was recommended, inter alia, that an advisory opinion be requested from the International Court of Justice as to the legal consequences of the resort to the use of force by States without prior authorization by the Security Council, except in the exercise of the right to self-defence.

34. The co-sponsors of the proposal highlighted the continued relevance of the subject matter of the above-mentioned revised working paper and its value, especially in the context of the system of collective security, in establishing clear legal boundaries for the use of force in international relations and providing a common understanding of the legal consequences of the resort to the use of force by States without prior authorization by the Security Council. Since such consequences were not addressed in the Charter of the United Nations and heated discussions continued to accompany the resort to the use of force (including for humanitarian reasons), it was pointed out that an advisory opinion of the Court would contribute to the clarification of the provisions of the Charter regarding the use of force and to the strengthening of the principle of the non-use of force. The co-sponsors favoured retaining the proposal on the agenda of the Special Committee and invited delegations to participate in informal consultations to be focused on the text of the proposal in order to find consensus in that field.

35. Several representatives reiterated their support for the proposal and its further consideration. It was stressed that the proposal would contribute to the clarification of the legal principles of the use of force in accordance with the Charter. The view was also expressed that the proposal would contribute to the strengthening of the principle of the non-use of force or the threat of force as set out in the Charter, especially in the light of the recent cases of the resort to the use of force by States without prior authorization by the Security Council and the efforts of the United Nations to promote the rule of law in international relations.

36. A number of other representatives indicated that they did not see the usefulness of the proposal. It was reiterated that the proposal could not be supported since the issue of the use of force was adequately and clearly addressed in the relevant provisions of the Charter.

37. At the 3rd meeting of the Working Group of the Whole, the representative of the Russian Federation, also on behalf of Belarus, reported on the outcome of the

informal consultations on the revised working paper and further revised it orally. The further revised working paper, to be considered at the next session of the Special Committee, read as follows:

The General Assembly,

Reaffirming that, pursuant to the Charter of the United Nations, the maintenance of international peace and security and the development of friendly relations and cooperation among States are one of the basic purposes of the Organization,

Referring to the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter, the Declaration on the Strengthening of International Security, the Definition of Aggression, the Declaration on the Enhancement of the Effectiveness of the Principle of Refraining from the Threat or Use of Force in International Relations and the 2005 World Summit Outcome,

Expressing its determination to promote the implementation of the United Nations Millennium Declaration, adopted by all States Members of the United Nations on 8 September 2000, confirming the commitment to the purposes and principles of the Charter, which have proved timeless and universal,

Confirming the principle that States shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of States, or in any other manner inconsistent with the purposes of the United Nations, and also that the threat or use of force is a violation of international law and of the Charter,

Recalling once again that no considerations, whether political, economic, military or of any other kind, may be used to justify the threat or use of force in violation of the Charter,

Recalling the primary responsibility of the Security Council pursuant to the Charter for the maintenance of international peace and security,

Referring to Chapter VIII of the Charter, which acknowledges the role of regional arrangements or agencies in dealing with such matters relating to the maintenance of international peace and security as are appropriate for regional action, provided that such arrangements or agencies and their activities are consistent with the purposes and principles of the United Nations,

Recalling that the General Assembly may request the International Court of Justice to give an advisory opinion on any legal question,

1. *Affirms* that action by air, sea or land forces of all Members of the United Nations or by some of them for purposes of the maintenance of international peace and security is permissible only on the basis of a decision of the Security Council pursuant to Chapter VII of the Charter of the United Nations or in exercise of the inherent right of individual or collective self-defence pursuant to Article 51 of the Charter;

2. *Emphasizes* that, in accordance with Article 53, paragraph 1, of the Charter, no enforcement action shall be taken under regional arrangements or by regional agencies without the authorization of the Security Council;

3. Pursuant to Article 96, paragraph 1, of the Charter, requests the International Court of Justice to give an advisory opinion on the following legal question:

> "What are the legal consequences of the use of armed force by a State or group of States without a decision of the Security Council taken pursuant to Chapter VII of the Charter of the United Nations, except in exercise of the right to individual or collective self-defence pursuant to Article 51 of the Charter?"

38. The views expressed in paragraphs 35 and 36 also applied to the further revised working paper submitted by the Russian Federation and Belarus.

39. At its 275th meeting, on 26 February 2014, the Special Committee decided to retain the proposal under the agenda item entitled "Maintenance of international peace and security".

E. Consideration of the working paper submitted by Cuba on the strengthening of the role of the Organization and enhancing its effectiveness: adoption of recommendations

40. The working paper entitled "Strengthening of the role of the Organization and enhancing its effectiveness: adoption of recommendations", submitted by Cuba during the 2012 session of the Special Committee, was referred to during the general exchange of views held at the Committee's 272nd and 273rd meetings, on 18 and 19 February 2014, and was considered at the 2nd meeting of the Working Group of the Whole.

41. Some delegations stated that the working paper merited continued examination. It was pointed out that the proposal would contribute to achieving the delicate balance envisaged in the Charter of the United Nations between the mandates of all the principal organs and, in particular, between the mandate of the General Assembly, as the main deliberative and representative body of the Organization, and that of the Security Council. In relation to the reform of the United Nations and to the strengthening of its role, several delegations stressed the need to conduct a legal examination of the implementation of Chapter IV of the Charter and, specifically, of its Articles 10 to 14, which pertained to the functions and powers of the Assembly.

42. The sponsor delegation informed the Working Group of the Whole that it would continue reviewing the document and conducting informal consultations with other delegations, in order to fine-tune the proposal and to seek consensus on its content. The sponsor delegation indicated its intention to make a formal presentation of the revised version of the working paper at the next session of the Special Committee and indicated that the working paper should remain on the agenda of the Special Committee.

43. The view was expressed that, with regard to items concerning international peace and security, the Special Committee should not pursue activities that would be duplicative or inconsistent with the roles of the principal organs of the United Nations as set forth in the Charter; the view was also expressed that a legal study of the functions and powers of the General Assembly was not needed.

Chapter III
Peaceful settlement of disputes

44. The Special Committee considered the item entitled "Peaceful settlement of disputes" during the general exchange of views held at its 272nd meeting, on 18 February 2014, and at the 2nd and 3rd meetings of the Working Group of the Whole.

45. During the general exchange of views, delegations expressed their support for all efforts to address the peaceful settlement of disputes. Delegations reiterated their preference that, in accordance with the mandate of the Special Committee, the question of the peaceful settlement of disputes should remain on its agenda. The importance of a free choice of means in peaceful dispute settlement was underscored. The role of the International Court of Justice as the principal judicial organ of the United Nations was highlighted. The significance of the Manila Declaration on the Peaceful Settlement of International Disputes, which had been approved by the General Assembly in 1982 and annexed to its resolution 37/10, was also recalled.

46. While some delegations expressed the view that the discussion of the issue by the Special Committee was useful, others stated that its continued examination would not be the best use of the Committee's resources.

47. During the general exchange of views, Cuba announced its intention to present a proposal on the issue of the peaceful settlement of disputes. At the 2nd and 3rd meetings of the Working Group of the Whole, the sponsor delegation indicated that it had held and would continue to hold consultations with interested delegations on the proposal, with a view to submitting it to the Special Committee at the following session.

48. During the general exchange of views, the Russian Federation suggested that the Special Committee could consider requesting the Secretariat to establish a website, within existing resources, dedicated to the peaceful settlement of disputes between States, which would include references to relevant United Nations documents, as well as to the United Nations and other organs active in the field, and to update the *Handbook on the Peaceful Settlement of Disputes between States*, prepared by the United Nations in 1992. It was further proposed that, at the initial stage, the Secretariat could be requested to prepare an outline of the website and revised *Handbook* for the consideration of the Committee at its next session.

49. At the 2nd and 3rd meetings of the Working Group of the Whole, a number of delegations expressed support for both proposals. The view was expressed that such endeavours could contribute to revitalizing the work of the Special Committee. It was noted that it would not simply be an academic exercise. Rather, it would be beneficial for Member States, particularly smaller States, to have access to the latest information on mechanisms for the peaceful settlement of disputes, which would help to foster greater resort to such mechanisms and promote the rule of law. It was stated that such proposals would contribute to the peaceful settlement of disputes, which is one of the cornerstones of the United Nations.

50. Other delegations opposed both the proposal to establish a dedicated website and to revise the *Handbook*. Reservations were expressed as to the segmented approach that would not place all chapters of the Charter on the same footing.

Doubts were also expressed as to the added value of either, including in the light of the existence of a number of online resources, for example through comprehensive search engines. The feasibility of updating the *Handbook* was also questioned, given the broad range of actors involved in activities related to the peaceful settlement of disputes. The concern was also expressed that, even if such work could be undertaken within existing resources, it would not be a proper prioritization of the scarce resources allocated to the Secretariat, which should instead be utilized to maintain existing websites and to undertake other activities, such as updating the *Repertory of Practice of United Nations Organs*. In response, it was pointed out that proposals in the Special Committee should be considered on their merits, and that it was not for the Committee to consider financial implications in its decision-making.

51. In response to requests for explanation, the sponsor delegation indicated that, while the reference to "United Nations documents" had been intended to cover any document issued under the auspices of the Organization, the scope of the exercise could be limited to "relevant" or "key" documents. Furthermore, it was explained that the reference to "other organs" active in the field of the peaceful settlement of disputes had been included so as to cover entities such as the Permanent Court of Arbitration and the International Tribunal for the Law of the Sea.

52. The proposals of the Russian Federation, as subsequently revised, read as follows:

> "The Special Committee recommends that the General Assembly:
>
> (a) Call upon the Secretary-General to prepare, in consultation with interested Members of the Special Committee, an outline of a webpage on peaceful settlement of disputes between States that will include references to relevant United Nations documents adopted on different aspects of this issue, as well as references to United Nations and other key organs active in this field. and to submit this outline for the consideration and approval of the Special Committee at its next session.
>
> (b) Recognize the usefulness of the preparation of an updated version of the *Handbook on the Peaceful Settlement of Disputes between States* and in this regard, call upon the Secretary-General to prepare and submit for the consideration of the Special Committee at its next session an outline of an updated version of this *Handbook*."

53. The views expressed in paragraphs 49 and 50 also applied to the revised version of the proposals submitted by the Russian Federation.

Chapter IV

Repertory of Practice of United Nations Organs and *Repertoire of the Practice of the Security Council*

54. During the general exchange of views at the 272nd meeting of the Special Committee, on 18 February 2014, delegations commended the continuing efforts of the Secretariat to update the *Repertory of Practice of United Nations Organs* and the *Repertoire of the Practice of the Security Council* and to eliminate the backlog in their preparation. The significance of the two publications as research tools for the international community and their importance in the dissemination of the work of the Organization were recalled. The contribution made by the publications to the advancement of international justice was commended. The hope was expressed that the publications would be published on the United Nations website in the official languages of the Organization.

55. Several delegations emphasized the need to eliminate the backlog with regard to volume III of the *Repertory*. The need to continue updating both publications with integrity and in a timely manner was also pointed out. The responsibility of the Secretary-General for the quality of the publications was reiterated, and he was called upon to continue to follow the modalities outlined in paragraphs 102 to 106 of his report dated 18 September 1952[13] and in paragraph 13 of General Assembly resolution 68/115.

56. Delegations expressed appreciation to those Member States that had contributed to the two trust funds established for the *Repertory* and the *Repertoire*, which had facilitated the progress in eliminating the backlog with regard to those publications, and encouraged Member States to make additional contributions.

57. At its 3rd meeting, the Working Group of the Whole was informed by representatives of the Secretariat about the status of the preparation of the *Repertory* and the *Repertoire*.

58. Concerning the *Repertory*, it was reported that a study on Article 41 for volume III, Supplements 7 to 9, had been completed and would soon be placed on the *Repertory* website, while progress had been made in the preparation of a number of other studies pertaining to volume III, Supplements 7 to 9 (1985-1999). A study on Article 98 for volume VI, Supplement 10, covering the period from 2000 to 2009, had also been completed and would soon be placed on the website, and work had begun on other studies pertaining to that Supplement.

59. The partnership with Columbia Law School had continued for the eleventh consecutive year, with one study under way at the time. Cooperation with the University of Ottawa had also continued, resulting in the preparation of four studies pertaining to Supplement 10. The Secretariat was also assisted by the work of interns.

60. Since the establishment of the trust fund in 2005, more than $118,000 had been donated. After the use of part of the funds for the preparation of *Repertory* studies, approximately $25,000 remained available in the trust fund.

61. With regard to the *Repertoire*, it was pointed out that, in the past year, the Security Council Practices and Charter Research Branch of the Security Council

[13] A/2170.

Affairs Division had worked on Supplements 17 and 18, covering the period from 2010 to 2013.

62. The entire volume of Supplement 17, covering the period from 2010 to 2011, had been completed and made available electronically in an advance version on the *Repertoire* website. The groundwork on Supplement 18, covering 2012 and 2013, had been carried out systematically over the past two years by recording the most contemporary practice of the Security Council in an internal database and compiling the relevant documentation. Drafting of part I of that Supplement had been initiated. Progress in the work on Supplement 18 would depend on the availability of resources. Work was also continuing on translating the *Repertoire* into all of the official languages and publishing the completed Supplements covering the period from 1993 to 2009.

63. It was also emphasized that, in addition to electronic versions of the *Repertoire*, the Security Council website contained, for example, tables and graphs providing an overview of historical trends relating to the work of the Council, highlights of Security Council practice for 2013 and a table showing the mandate components of current peacekeeping and political missions, which allowed for comparison of current mandates over time and across missions.

64. The Special Committee recommends that the General Assembly:

(a) Commend the Secretary-General for the progress made in the preparation of studies for the *Repertory of Practice of United Nations Organs*, including the increased use of the internship programme of the United Nations and further expanded cooperation with academic institutions for this purpose, as well as the progress made towards updating the *Repertoire of the Practice of the Security Council*;

(b) Note with appreciation the contributions made by Member States to the trust fund for the elimination of the backlog in the *Repertory*, as well as the trust fund for the updating of the *Repertoire*;

(c) Reiterate its call for voluntary contributions to the trust fund for the elimination of the backlog in the *Repertory* so as to further support the Secretariat in carrying out the effective elimination of that backlog, voluntary contributions to the trust fund for the updating of the *Repertoire* and the sponsoring, on a voluntary basis and with no cost to the United Nations, of associate experts to assist in the updating of the two publications;

(d) Call upon the Secretary-General to continue his efforts towards updating the two publications and making them available electronically in all their respective language versions;

(e) Note with concern that the backlog in the preparation of volume III of the *Repertory*, although slightly reduced, has not been eliminated, and call upon the Secretary-General to address that issue effectively and on a priority basis, while commending the Secretary-General for the progress made in reducing the backlog;

(f) Reiterate the responsibility of the Secretary-General for the quality of the *Repertory* and the *Repertoire*, and, with regard to the *Repertoire*, call upon the Secretary-General to continue to follow the modalities outlined in paragraphs 102 to 106 of his report dated 18 September 1952.[14]

[14] A/2170.

Chapter V
Working methods of the Special Committee and identification of new subjects

A. Working methods of the Special Committee

65. The issue of the working methods of the Special Committee was addressed by several delegations during the general exchange of views at its 272nd and 273rd meetings, on 18 and 19 February 2014, and was considered at the 3rd meeting of the Working Group of the Whole.

66. Several delegations stated that the challenge ahead was to reinvigorate the work of the Special Committee so as to make it more effective and valuable as a subsidiary organ of the General Assembly. It was also noted that the Committee had the potential to assist in the revitalization of the Organization. The view was expressed that the Committee had not lived up to its potential.

67. Several delegations continued to urge the Special Committee to consider, on a priority basis, ways and means of improving its working methods and enhancing its efficiency, and to fully implement the working methods adopted in 2006. Several delegations urged States to undertake a review of all existing agenda items, looking into the usefulness of further discussing them, and taking into account their continued relevance and the likelihood of reaching a consensus in the future before considering new items.

68. Some delegations suggested that the work of the Special Committee should be reviewed to ensure that the overlap between organs considering the same or similar issues was eliminated, and that items that had been considered elsewhere were not duplicated by the Committee. Several delegations reaffirmed that the Committee should examine the frequency and duration of its meetings, perhaps by meeting every two or three years or shortening its sessions. The view was expressed that a results-oriented approach, given the limited resources of the Organization, would be best for the Committee.

69. Some delegations spoke against any proposal to shorten the duration of the sessions or not to convene the Special Committee annually. Certain delegations spoke in favour of extending the sessions. It was also stated that there should be greater possibilities for substantive debates, not informally, but within the Special Committee itself, including examining proposals paragraph by paragraph, as was the practice in other committees.

70. The significant potential of the Special Committee was emphasized, as highlighted by the landmark instruments that it had produced, including the Manila Declaration on the Peaceful Settlement of International Disputes, the significance of which had been recognized by the General Assembly in its resolution 67/95. Several delegations observed that the full execution of the mandate of the Committee depended on the political will of States and on the full implementation and optimization of the methods of work of the Committee, including the configuration of a solid thematic agenda that would allow for the optimal use of resources. The view was also expressed that some States were blocking the consideration of proposals before the Committee without presenting any substantive arguments as to their reasoning. Some delegations reiterated their view that all Committee members

would benefit from engaging in substantive and interactive discussions. The view was also expressed that such discussions were important in and of themselves, as well as in order to achieve consensus.

71. Several delegations placed special emphasis on the continuation of the consideration of items and proposals regarding the question of the maintenance of international peace and security, in particular those addressing the functions of the General Assembly. It was also emphasized by several delegations that the Special Committee was the appropriate forum for the consideration of reform proposals that would enhance the effectiveness of the Organization.

72. The view was also expressed, however, that specific topics should not be discussed by the Special Committee, given the fact that they were clearly addressed in the Charter of the United Nations, thereby rendering further elaboration by the Committee unnecessary. Other delegations emphasized that the Special Committee should be open to discussion of all proposals and full debate on all items, if they concern the Charter of the United Nations.

73. It was noted that the Special Committee had not followed up on its recommendation from its previous session that members of the Bureau be selected well in advance of the sessions of the Committee, so that the Bureau could meet informally to review the Committee's agenda and rationalize the work of its sessions.

B. Identification of new subjects

74. The issue of the identification of new subjects was considered during the general exchange of views held at the 272nd meeting of the Special Committee, on 18 February 2014, and at the 3rd meeting of the Working Group of the Whole.

75. Several delegations recalled the new subjects proposed at previous sessions of the Special Committee and called for their meaningful consideration. Several delegations stated that the Committee could contribute to the examination of legal matters relating to the reform and revitalization of the Organization and its organs, including issues surrounding the roles and prerogatives of the General Assembly and the Security Council.

76. The view was presented that the Special Committee should consider no new proposals that might entail amendments to the Charter without the express mandate of the General Assembly.

77. It was suggested that no new subjects should be explored until the Special Committee had disposed of its current agenda items. It was further suggested that the Committee should be cautious about adding new subjects to its work programme and that any new subjects should be practical and non-political, and should not duplicate efforts being made elsewhere in the Organization.

78. Some delegations expressed support for the proposal to include a new item, presented by Ghana at the 2010 session, entitled "Principles and practical measures/mechanisms for strengthening and ensuring more effective cooperation between the United Nations and regional organizations on the matters relating to maintenance of international peace and security in areas of conflict prevention and resolution and post-conflict peacebuilding and peacekeeping, consistent with

Chapter VIII of the Charter of the United Nations". The sponsor delegation subsequently revised the title of the proposal to "Strengthening cooperation between the United Nations and regional arrangements/organizations in the peaceful settlement of disputes". Some delegations expressed the view that, despite previous General Assembly resolutions on the relationship in this area between the United Nations and regional organizations, its further examination could be fruitful. The sponsor delegation indicated that its proposal sought to add value to existing arrangements by building on what had been achieved thus far, working towards formulating clear principles, practical measures and mechanisms, intended to form the basis for the development of a model agreement between the United Nations and regional organizations in the area of conflict prevention, conflict resolution and post-conflict peacebuilding and peacekeeping. The sponsor delegation indicated that it would submit a working paper on the proposal prior to the next session for further discussion.

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